

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	ORDER ACCEPTING DEFENDANT'S WAIVER OF HER RIGHT TO A PRELIMINARY HEARING AND GRANTING GOVERNMENT'S MOTION FOR DETENTION
Plaintiff,)	
vs.)	
Dusty Joan O'Berry,)	
Defendant.)	Case No.: 4:05-cr-024

On September 29, 2006, Defendant made her initial appearance on a Petition for Warrant or Summons for Offender Under Supervision charging her with violating the special conditions of her release supervised release. AUSA Clare Hochhalter appeared on the government's behalf and moved to detain the defendant. Federal Public Defender William Schmidt was appointed as defense counsel and appeared on the defendant's behalf.

Upon being advised of her rights and reviewing the petition, Defendant advised the court that she waived her right to a preliminary hearing and detention hearing. The court finds that Defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived her right to a preliminary hearing. Further, based upon Defendant's waiver of her right to a preliminary hearing, the court finds that there is probable cause to believe that Defendant may have committed the violations alleged in the petition. Accordingly, the court **ORDERS** that, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, the defendant be bound over to the United States District Court to answer to the charges set forth in the amended petition. A revocation hearing has been scheduled for October 4, 2006, at 10:00 a.m. before Chief Judge Hovland in Bismarck, North Dakota.

In addition, the court **GRANTS** the government's Motion to Detain and **FURTHER ORDERS** that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 29th day of September, 2006.

/s/ Charles S. Miler, Jr. _____

Charles S. Miller, Jr.
United States Magistrate Judge